

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Thomas Lee Brincefield, #21361-057,

Petitioner,

v.

Nanette Barnes, Warden,

Respondent.

C/A No. 4:23-cv-2618-JFA-TER

ORDER

Petitioner Thomas Lee Brincefield, proceeding *pro se*, filed the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

After conducting an initial review of the petition, the Magistrate Judge assigned to this action¹ issued a thorough Report and Recommendation (“Report”). (ECF No. 12). Within the Report, the Magistrate Judge opines that the petition should be summarily dismissed. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Petitioner was advised of his right to object to the Report, which was entered on the docket on July 19, 2023. *Id.* The Magistrate Judge required Petitioner to file objections August 2, 2023. *Id.* Within the objection period, Petitioner noted that he was transferring institutions. Accordingly, this court remailed the Report to petitioner once his transfer had been completed and allowed additional time for a response. Nevertheless, Petitioner failed to respond. Accordingly, Petitioner

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

failed to file objections or otherwise address the deficiencies in his petition. Thus, this matter is ripe for review.

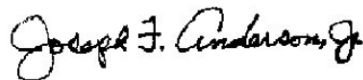
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, Petitioner has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that the petition is subject to summary dismissal.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 12). Therefore, the petition is dismissed without prejudice and without requiring Respondent to file a return.

IT IS SO ORDERED.

November 20, 2023
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge